

# INDIANA LEGISLATURE.

## SENATE.

SATURDAY, Feb. 14, 1852.

Senate met.

*Petitions, &c., Presented.*

By Mr. Hooton. Referred, without reading, to the committee on education.

By Mr. Withrow. Of citizens of Hendricks county, for the draining of swamp lands. Referred to the committee on swamp lands.

By Mr. Holloway. On temperance. Laid on the table.

*Reports from Committees.*

By Mr. Spann. From the committee on military affairs, concerning the bill in relation to the officers and soldiers who served in the war of 1811, 1812, and the Mexican war (directing the Governor to have a list of their names prepared). Ordered to a third reading.

*Resolutions offered.*

By Mr. Reid. Instructing the committee on roads to report a general road law, at an early day, embodying a section allowing owners of land adjoining public highways, to set their fences along the sides of said highways, for the purpose of planting hedge fences and cultivating the same, so that the public highways are not unnecessarily obstructed thereby. Adopted.

*Bills introduced.*

By Mr. Delavan. To amend the act in relation to the duties of treasurer of Morgan county.

By Mr. Turman. To legalize the assessment of real estate in Fountain county, for the year 1851.

*Bills, &c., on their Third Reading.*

House bill to exempt property from execution in certain cases (House bill 11).

Mr. Seaver moved a call of the Senate which was ordered.

Mr. Craven moved to re-commit the bill, with instructions to insert a provision, that where the creditor is possessed of less than three hundred dollars worth of property, the debtor shall not be entitled to the benefits of this law.

Mr. Seaver moved the previous question; which was not seconded.

Mr. Slack moved to lay on the table the motion to re-commit. Carried—ayes 23, noes 16.

Mr. Craven moved to re-commit the bill to the judiciary committee, with instructions to insert the following additional section:

"Sec. 2. That in cases where the debtor claims and obtains the provisions of this act, the creditor shall have power to file his claim with the board of county commissioners, and on proof of the validity thereof, the board shall order the sheriff to sell the property of the debtor, signed by the auditor of the county, for two months due, and the county treasurer shall pay the same out of any money that may be in his hands at any time belonging to the State, and the receipt for the same shall be acknowledged by the Treasurer of State in his settlement with the county treasurer."

Mr. Seaver moved to lay the motion on the table. Carried—ayes 25.

Nays—Messrs. Alexander, Brugh, Craven, James, and Miller—5.

The bill then passed.

AYES—Messrs. Crawford, Dawson, DeFrees, Delavan, Edley, Goodman, Hatfield, Henton, Hester, Hickman, Holloway, Kendall, Kunkin, Logan, Longshore, McCarty, McKee, Odell, Reid, Seaver, Sink, Sleeth, Spang, Teggard, Turman, and Walker—26.

NOES—Messrs. Alexander, Athon, Berry, Brugh, Craven, Hanna, Hicks, Hunt, Jang, Kendall, Miller, Niblack, Washburn, Winsteadley, and Withrow—15.

The bill to provide for the colonization of Negroes and Mulattoes in this State, and their descendants, and to provide for a State Board of Colonization. Passed.

AYES—Messrs. Alexander, Athon, Berry, Brugh, Craven, Crawford, Davis, DeFrees, Delavan, Edley, Hatfield, Henton, Hester, Hicks, Holloway, Hunt, Kunkin, Logan, McCarty, McKee, Niblack, Odell, Reid, Seaver, Sink, Sleeth, Spang, Teggard, Turman, Walker, Winsteadley, and Withrow—23.

NOES—Messrs. Berry, Dawson, Goodman, Hanna, Hickman, James, Kendall, Kinard, Miller, Reid, Seaver, and Washburn—12.

Bills on the second reading were taken up and disposed of.

The bill to provide for the sale of the State's interest in the Madison and Indianapolis railroad was taken up and referred to the committee on finance, with instructions, offered by Mr. McCarty, to inquire into the expediency of making certain amendments.

Messages of the House were taken up and disposed of.

Mr. Reid offered a resolution to go into the election of a President pro tem. of the Senate, on account of the sickness and absence of Gov. Lane.

Mr. Reid stated that there were a number of bills awaiting the signature of the President of the Senate, and he offered this resolution in order that these bills may be signed.

The resolution was adopted, and Mr. McKee was unanimously elected.

Mr. Holloway offered a resolution that when the Senate adjourns it adjourns to meet on Monday morning next. Adopted.

Senate adjourned.

# HOUSE OF REPRESENTATIVES.

SATURDAY MORNING, Feb. 14, 1852.

House met.

Mr. Brady presented the proceedings of a public meeting of the citizens of Indianapolis, in favor of free banks; referred to the committee on that subject.

*Petitions, &c., Presented.*

By Mr. Carpenter. From the citizens of Vanderburgh county, asking the passage of a law granting to fire companies the amount of tax collected from fire insurance companies; referred to the committee on corporations.

By Mr. Barker. From citizens of Dubois county, asking that the law declaring Platte creek navigable, be repealed; referred to a select committee of three.

By Mr. Lindsay of H., a temperance petition; referred to the committee on that subject.

*Reports from Committees.*

By Mr. Nelson. From the committee on ways and means, to whom was referred a petition asking relief for purchasers of canal lands, and requesting that the payments made by them on all the lands purchased be credited to a partly; reporting that the transfer made by the State of the canal lands to the bondholders, precludes the General Assembly from granting the relief asked; report concurred in.

By Mr. Hufstetter. From the committee on roads, to whom was referred a petition asking for a State road through the counties of Marshall, Fulton, &c., that the prayer of the petitioners cannot be granted, as a majority of the committee believe that it would be unconstitutional; report concurred in.

By Mr. Bryant. From the committee on the rights and privileges of the inhabitants of the State, to whom was referred a petition of citizens of Allen county, for a law granting liens on boats, reporting that further legislation on the subject was unnecessary; report agreed to.

By Mr. Walker. From the select committee, to whom was referred a petition of citizens of Perry and Spencer counties, for the creation of a new county; reporting that the prayer of the petitioners is unconstitutional, as they ask for more territory from Spencer than they do from Perry county, and asking to be discharged from the further consideration of the subject; which was agreed to.

*Resolutions Introduced.*

By Mr. Brady. That the committee on the organization of courts, enquire and report to this House, the number of judges necessary to hold the circuit courts in the different counties in this State. Adopted.

By Mr. Crim. That the committee on the judiciary report a bill requiring officers who were in office at the time of the adoption of the present Constitution, to file an oath to support the same; adopted.

By Mr. Shanklin. That the committee on corporations be required to report a bill for the re-location of county seats, and that a majority of the citizens of each county shall decide upon such removal; adopted.

*Orders of the day.*

Several bills were read the second time and appropriately disposed of.

The Speaker laid before the House a communication from the Auditor of State relative to the next of assessing by county and township assessors. Laid on the table and ordered to be printed.

Senate bill for dividing the State into four supreme judicial districts, was read the second time.

Mr. Lindsey of H., moved to lay the bill on the table. Lost—ayes 23, noes 59.

Mr. Kirk moved to refer the bill to the select committee on districts. The bill was then referred to the select committee on districts.

The bill was then ordered to be engrossed for a third reading; ayes 50, noes 25.

*Bills, &c., on Third Reading.*

A bill to provide for the election of Judges of the Supreme Court; ayes—ayes 33, noes 42.

A bill to approximate the judges in the first, fifth and thirteenth judicial circuits; passed—ayes 70, noes 4.

Messages were taken up and disposed of.

*Bills Introduced and Read the First Time.*

By Mr. Starns. A bill to establish courts of common law and to define the duties and jurisdiction of the judges thereof.

By Mr. Carpenter. A bill to incorporate cities and towns having a population of five thousand and up-

wards, and to authorize them to borrow money and issue their bonds for certain purposes.

Mr. Buskirk moved that when this House adjourns it adjourn to meet on Monday morning 9 o'clock. Carried.

A message was received from the Senate, announcing that the Senate had refused to concur in the amendment of the House to Senate bill approximating the salaries of the Judges in the first, fifth, and thirteenth judicial circuits.

Mr. Holman moved that the House insist upon its amendment; carried—ayes 50, noes 27.

Mr. Standish moved to take from the table a bill to incorporate plank, Macadamized, and gravel roads; which was agreed to.

The question recurred on recommitting the bill with instructions, which was disagreed to.

The bill passed—ayes 53, noes 22.

On motion of Mr. Donaldson, House adjourned.

## SENATE.

MONDAY, Feb. 16, 1852.

Senate met.

*Petitions, &c., Presented.*

By Mr. Spann of stockholders of the Columbus bridge company. Referred to a select committee.

*Reports from Committees.*

By Mr. Logan. From the committee on elections, recommending the passage of a bill to regulate general and special elections, &c., recommending its passage. Laid on the table for the present.

By Mr. Hunt. From a select committee, that it is unconstitutional to grant the prayer of certain petitioners for a State road; concurred in.

*Resolutions Offered.*

By Mr. Goodman. Requiring the committee on the organization of courts to report a bill modifying the Grand Jury system, so as to constitute the jury of twelve members; to require the concurrence of nine jurors to find a bill; and to limit its jurisdiction to felonies.

Mr. Goodman said he was in favor of abolishing the Grand Jury system, but he offered this resolution as a compromise between the different parties on this question.

Mr. Emerson moved to amend the resolution by striking out nine as the number requisite to find a bill, and inserting all of the jurors.

After considerable debate, Mr. Emerson's amendment was negatived—ayes 12, noes 23.

This resolution, after being amended so as to substitute a select committee instead of the committee on the organization of courts, was adopted—ayes 23, noes 14.

The committee consists of Messrs. Goodman, Reid, and Hester.

*Bills, &c., Introduced.*

By Mr. Slack. A joint resolution in relation to the office of Chief Engineer of the Wabash and Erie canal.

By Mr. Emerson. A bill in relation to the election of the Trustees of the Indiana Asylum for the Education of the deaf and dumb.

By Mr. Slack. A bill to fix the time of holding the courts in the twelfth judicial circuit.

*Bills on their Third Reading.*

A joint resolution in relation to the establishment of an Agricultural Bureau at Washington. Passed—ayes 33, noes 16.

A bill in relation to the officers and soldiers of Indiana, who served in the War of 1811, 13, and 14, and the Mexican War.

Amended so as to include all who served in the Indian Wars of the West and North-west, and laid on the table for the present.

Bills on their second reading were taken up and disposed of.

The joint resolution of the House in favor of amending the Constitution of the United States as to provide for the election of U. S. Senators by the people of the States, was read the second time.

Mr. Niblack said he was in favor of the general principle of electing officers by the people, but he thought this a very inapplicable time to propose to amend the Constitution of the Union. He would therefore move, as a final disposition of the matter, that the resolution be laid on the table. Carried—ayes 23, noes 12.

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